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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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AVERY JAMES,

Plaintiff,

*versus*

UNITED STATES OF AMERICA,

Defendant.

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CIVIL ACTION NO. 1:18-CV-222

**MEMORANDUM OPINION AND ORDER**

Plaintiff, Avery James, an inmate confined at USP Beaumont, proceeding *pro se*, filed this tort claim pursuant to 28 U.S.C. § 1346 against the United States of America.

The court referred this matter to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends the complaint be dismissed for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. No objections to the Report and Recommendation have been filed to date.

## ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A Final Judgment will be entered in accordance with the recommendations of the Magistrate Judge.

SIGNED at Beaumont, Texas, this 28th day of November, 2018.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE